

RESOLUTION 14-42

A RESOLUTION GRANTING A VARIANCE (V-14-01) APPROVAL IN CONFORMANCE WITH SECTIONS 30-65 AND 6-111 107.1.2 (9)(D) OF THE CITY'S LAND DEVELOPMENT CODE AND ADMINISTRATIVE CONSTRUCTION CODE TO PROVIDE A VARIANCE FOR THE DESIGN FLOOD ELEVATION OF A SINGLE FAMILY HOME THE RSF-3 ZONING DISTRICT, FOR PROPERTY DESCRIBED AS 276 MEADOWLARK COURT, FURTHER DESCRIBED AS MARCO BCH UNIT 2, BLOCK 48, LOT 22, OF COLLIER COUNTY AND THE CITY OF MARCO ISLAND, FLORIDA

WHEREAS, the Legislature of the State of Florida established the Charter of the City of Marco Island in Chapter 97-367, Laws of Florida ("City Charter"); and

WHEREAS, the Marco Island Planning Board, being the duly appointed and constituted planning board for the area hereby affected, has held a public hearing on August 1, 2014 after notice, and voted (6-1) to recommend that the Marco Island City Council approve the requested Variance pursuant to Sections 30-65 and 6-111 107.1.2 (9)(D) of the City's Land Development Code (LDC) and Administrative Construction Code, for property located within the "RSF-3" zoning district, to provide a 1.4 foot variance from the Administrative Construction Code required 9 foot (NAVD) design flood elevation requirement, and arrangements have been made concerning all applicable matters required by said regulations and in accordance with the Marco Island LDC and Administrative Construction Code; and

WHEREAS, City Council, acting as the Board of Zoning Appeals, will hold a public hearing after proper notice, while considering the request to provide a 1.4 foot variance from the Administrative Construction Code required 9 foot (NAVD) design flood elevation requirement as an approved variance on "RSF-3" zoned property and has found that satisfactory provisions and arrangements have been made concerning all applicable matters required by the Marco Island Land Development Code and Administrative Construction Code; and

WHEREAS, all interested parties will be given opportunity to be heard by the Board of Zoning Appeals in a public hearing, and the Board having considered all matters presented:

NOW, THEREFORE BE IT RESOLVED, BY THE MARCO ISLAND CITY COUNCIL, ACTING AS THE BOARD OF ZONING APPEALS, THAT:

SECTION 1. Recitals. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, correct and incorporated into this Resolution.

SECTION 2. The Petition V-14-01 filed by Neil E. Snyder, Esq., representing Ronald & Shelly Esbaugh, property owners, with respect to property located at 276 Meadowlark Court,

City of Marco Island, hereby grants a 1.4 foot deviation from the required design flood elevation by means of variance approval, for property further described as follows:

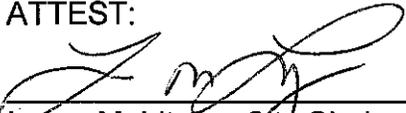
276 MEADOWLARK COURT, FURTHER DESCRIBED AS MARCO BCH UNIT 2, BLOCK 48, LOT 22, OF COLLIER COUNTY AND THE CITY OF MARCO ISLAND, FLORIDA

Stipulations/Conditions: Approval of V-14-01 is subject to the following stipulation/condition:

- 1) *The subject property was granted a variance from the Administrative Construction Code required 9 foot NAVD design flood requirement on August 16, 2014 by the City of Marco Island for being constructed 1.4 feet below the required design flood elevation. The City Council understands that the granting of this variance may result in an increase in flood insurance costs for this property. The granting of this variance is conditioned upon this variance being recorded in the Official Records of Collier County, Florida in such a manner as to ensure that a subsequent owner of the property is on notice of this variance, and that insurance costs may be affected by this variance.*

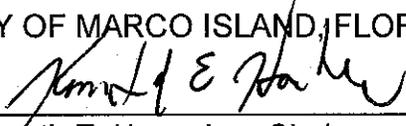
SECTION 3. Effective Date. This Resolution shall take effect immediately upon adoption. The foregoing Resolution was adopted this 8th day of September, 2014.

ATTEST:



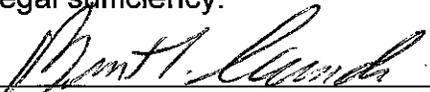
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

BY: 

Kenneth E. Honecker, Chairman

Approved as to form and
legal sufficiency:



Burt L. Saunders, City Attorney